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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-00323-YGR
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	PROTECTIVE ORDER RE: RECORDING
v.)	
)	
VICTOR HUGO SANCHEZ-ESPINO,)	OAKLAND VENUE
MILTON GAMEZ FIERRO, JAMEX)	
EUGENIO CORONEL, PAMELA)	
LUNA, ALEJANDRO PARRA-)	
SOLORIA, JAIME BARRERA OREGEL,)	
)	
Defendants.)	
)	

With the agreement of the parties, and with the consent of defendants, the Court enters the following Order:

Defendants SANCHEZ-ESPINO and CORONEL are charged by Indictment with: (1) Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance, in violation of Title 21, United States Code, Section 846; (2) Carrying and Possessing a Firearm During, in Relation to, and in Furtherance of a Drug Trafficking Crime, in violation of Title 18, United States Code, Section 924(c)(1)(A); and (3) Illegal Alien in Possession of a Firearm, in

1 violation of Title 18, United States Code, Section 922(g)(5). Defendants FIERRO, LUNA,
2 PARRA-SOLORIA and OREGEL are charged by Complaint with: (1) Conspiracy to Distribute
3 and Possess with Intent to Distribute a Controlled Substance, in violation of Title 21, United
4 States Code, Section 846; and (2) Carrying and Possessing a Firearm During, in Relation to, and
5 in Furtherance of a Drug Trafficking Crime, in violation of Title 18, United States Code, Section
6 924(c)(1)(A). Pursuant to defendants' requests, the United States will produce copies of the
7 audio and video recording of the alleged incident at issue (hereinafter "RECORDING") to
8 defense counsel, in lieu of making it available for review only, pursuant to the following
9 restrictions:

10 1. Except when being actively examined for the purpose of the preparation of the
11 defense of defendant, the RECORDING shall be maintained in a secure drawer, cabinet, or safe
12 or password-protected electronic device (e.g., computer, memory stick), which is accessible only
13 to defense counsel, members of his or her law firm who are working with him or her to prepare
14 defendant's defense, and his or her investigator(s). Defense counsel, members of his or her law
15 firm, defendant, and the investigator(s) shall not permit any person access of any kind to the
16 RECORDING except as set forth below.

17 2. The following individuals may examine the RECORDING for the sole purpose of
18 preparing the defense of defendant and for no other purpose:

- 19 a) Counsel for defendant;
- 20 b) Members of defense counsel's law office or other individuals working
21 with defense counsel who are assisting with the preparation of defendant's
22 defense;
- 23 c) Defendant, but only in the presence of defense counsel or another
24 authorized person listed in this paragraph, (defendant may not take or
25 maintain the RECORDING or copies thereof);
- 26 d) Investigators retained by defendant to assist in the defense of this matter.

27 If defense counsel determines that additional persons are needed to review the RECORDING, he
28 or she must obtain a further order of the Court before allowing any other individual to review the

1 materials.

2 3. A copy of this Order shall be maintained with the RECORDING at all times.

3 4. All individuals, other than defense counsel and defendant, who receive access to
4 the RECORDING, prior to receiving access to the materials, shall sign a copy of this Order
5 acknowledging that:

6 a) they have reviewed the Order;

7 b) they understand its contents;

8 c) they agree that they will only access the RECORDING and information
9 for the purposes of preparing a defense for defendant;

10 d) they understand that failure to abide by this Order may result in sanctions
11 by this Court.

12 Counsel for defendant shall either (1) send signed copies of the Order to counsel for the United
13 States or (2) file signed copies of the Order, *ex parte* and under seal. The United States shall
14 have no access to the signed copies filed under seal without further order of the Court.

15 5. No other person may be allowed to examine the RECORDING without further
16 order of the Court. Examination of the RECORDING shall be done in a secure environment
17 which will not expose the materials to other individuals not listed above.

18 6. The RECORDING may be duplicated to the extent necessary to prepare the
19 defense of this matter. Any duplicates will be treated as originals in accordance with this Order.

20 7. If the RECORDING is attached to any pleadings, the RECORDING shall be filed
21 or lodged under seal.

22 8. The defense team shall return or destroy the RECORDING (and any duplicate
23 copies of the same) to the United States fourteen calendar days after any one of the following
24 events, whichever occurs latest in time: dismissal of all charges against defendant; defendant's
25 acquittal by court or jury; or the conclusion of any direct appeal.

26 9. After the conclusion of proceedings in the district court or any direct appeal in the
27 above-captioned case, the United States will maintain a copy of the RECORDING. The United
28 States will maintain the RECORDING until the time period for filing a motion pursuant to 28

U.S.C. § 2255 has expired. After the statutory time period for filing such a motion has expired, the United States may destroy the RECORDING. In the event defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide that counsel with a copy of the RECORDING under the same restrictions as trial and direct appeal defense counsel. Defendant's attorney in any action under 28 U.S.C. § 2255 shall return the same materials fourteen calendar days after the district court's ruling on the motion or fourteen calendar days after the conclusion of any direct appeal of the district court's denial of the motion, whichever is later.

STIPULATED:

DATED: May 9, 2012

/s/
JOYCE LEAVITT
Attorney for Def. Victor Hugo Sanchez-Espino

DATED: May 9, 2012

/s/
JEFFRY GLENN
Attorney for Defendant Jamex Eugenio Coronel

DATED: May 9, 2012

/s/
DAVID ANDERSEN
Attorney for Defendant Milton Gamez Fierro

DATED: May 9, 2012

/s/
BRIAN BERSON
Attorney for Defendant Pamela Luna

DATED: May 9, 2012

/s/
CHRISTOPHER CANNON
Attorney for Defendant Alejandro Parra-Soloria

DATED: May 9, 2012

/s/
MARY MCNAMARA
Attorney for Defendant Jaime Barrera Oregel

1
2 DATED: May 9, 2012

MELINDA HAAG
United States Attorney

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4
5 _____/s/
RANDY LUSKEY
6 Assistant United States Attorney

7 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted
8 as set forth above.

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10 DATED: May 16, 2012


11 _____
HONORABLE YVONNE GONZALEZ ROGERS
12 United States District Judge
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